

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: CINDY S. NESBETH : CHAPTER 13
Debtor(s) :
 :
 :
CHARLES J. DEHART, III :
STANDING CHAPTER 13 TRUSTEE :
Movant :
 :
 :
vs. :
 :
 :
CINDY S. NESBETH :
Respondent(s) : CASE NO. 5-20-bk-01025

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 18th day of May, 2020, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required.
2. The Trustee avers that debtor(s)' plan is not feasible based upon the following:
 - a. The plan is underfunded relative to claims to be paid.
 - b. The plan is underfunded relative to claims to be paid – 100% plan.
 - c. Plan ambiguous - term
3. Trustee avers that debtor(s)' plan is not feasible and cannot be administered due to the lack of the following:
 - a. 2019 Federal Income Tax return.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036

CERTIFICATE OF SERVICE

AND NOW, this 21st day of May, 2020, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Paul McElrath, Jr., Esquire
1641 Saw Mill Run Blvd.
Pittsburgh, PA 15210

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee